

NOT FOR PUBLICATION

JAN 24 2008

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RAFAEL PARRA-CHINO,

Defendant - Appellant.

No. 07-10157

D.C. No. CR-06-01038-NVW

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Neil V. Wake, District Judge, Presiding

Submitted January 14, 2008**

Before: HALL, O'SCANNLAIN and PAEZ, Circuit Judges

Rafael Parra-Chino appeals from his 18-month sentence and guilty-plea conviction for transportation of illegal aliens in violation of 8 U.S.C. §§ 1324(a)(1)(A)(ii) and (B)(i).

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Parra-Chino contends that he did not knowingly or voluntarily waive his right to appeal because he did not know that the presentencing report would recommend a three-level enhancement under U.S.S.G § 2L1.1(b)(6).

We disagree. The record reflects that Parra-Chino was aware that his offense level had not yet been determined, and that he knowingly and voluntarily waived his right to appeal. *See United States v. Nguyen*, 235 F.3d 1179, 1182 (9th Cir. 2000).

DISMISSED.